Alberta Women's Bureau
INFORMATION

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CHANGING YOUR NAME

August 1977
Revised January 1981

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Alberta
WOMEN'S BUREAU

CHANGING YOUR NAME

WHAT THE LAW IS

Generally speaking, each person has one "legal" name. This is the name registered at the time a birth certificate is issued, or at the time a change of name according to The Change of Name Act is registered.

However, common-law does allow for an individual to adopt another name, providing it is not taken for fraudulent or illegal purposes. This assumed name may be used in any context except one in which a birth certificate must be given as identification (such as for a passport application, or for most schools, sports, banks, land titles or government departments). To have your birth certificate and other legal records changed, it is necessary to apply for an official change of name under The Change of Name Act.

This does not apply to reverting to your maiden (single) name.

MAIDEN NAME - MARRIED NAME

It is not law, but cultural and social custom which dictates that a woman assume her husband's surname upon marriage. Her "legal" name remains the one on her birth certificate, although she can also use her married name (if necessary, documented by her marriage certificate) for all legal purposes as well.

However, a woman may wish to keep her maiden name in order to maintain her individuality, to be recognized as a person separate from her husband by her in-laws, friends and the government.

Women who have established a professional reputation under their single name often retain it, although they may choose to use their married name socially or for travelling if it is more convenient.

It saves time to keep documents, etc., in the same name.

Friends lose touch with each other through the years and if women change their names upon marriage, it is much more difficult to re-establish contact. Business contacts can also disappear.

Marriage certificates are issued in the name of each spouse, not in the name of the husband. This document is proof that you are married and proof of your name.

REVERTING TO YOUR MAIDEN NAME

If, after having assumed your husband's surname, you wish to again be known by your maiden name, the appropriate procedure is simply to start using that name regularly. It is not required that you apply under The Change of Name Act. However, if documents have been made out in the married name, it will be necessary to produce the marriage and/or birth certificate as proof of the maiden name before they will be changed. This will apply, for example, to credit cards, leases, etc.

MS, MISS OR MRS?

These titles have no legal significance, and a woman who prefers not to make known her legal status may use Ms. (pronounced miz).

WHO MAKES THE LAWS OF CHANGE OF NAME?

Each of the provinces has the right, under the British North America Act of 1867, to enact laws under which names are given by birth or changed in any way after birth. This means that the federal government will accept as your legal name the one that the provincial laws recognize. However, certain federal government documents require specific identification.

To issue a social insurance number, Canada Employment and Immigration requires a "primary" document: a provincial birth certificate, and marriage certificate if the applicant is married; a certificate of citizenship if born outside Canada but a Canadian citizen; or immigration papers if a landed immigrant.

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To obtain a Canadian passport, you must produce one of: a birth certificate issued by a provincial government, a certificate of citizenship, a certificate of naturalization, or a registration of birth abroad and a certificate of retention. It is possible to obtain a passport in a name other than the one on your certificates. To do this, you must get sworn statements from two other people that the name being used and the person on the certificate are one and the same, and that they have known the applicant for a given period under this name. This must be supported by signed identification. However, the "legal" name is still the name on the certificates.

THE CHANGE OF NAME ACT (S.A. 1973, c.63, s.15)

The Act sets out that:

(a) You can apply under the Act if you are at least 18 years of age and a resident of Alberta.

(b) Parents wishing to change their surname must both consent to the change. In the case of children 12 years of age or older, the children must also consent to having their name changed to that of the parents.

(c) If a spouse applies to change his or her surname under the Act, the other spouse and any children of the couple must consent, and must also change their names. This is for a change of name under the Act and does not apply if you just assume a different name.

(d) A widowed person may apply to change the name of his or her children. Should a mother who has been widowed re-marry, she can change the surname of her children to that of her present husband only with his consent.

(e) A divorced person with custody of the children of that marriage may change the children's name only if the other parent consents.

(f) The child of unmarried parents may use the father's name only if the father consents and completes a Declaration of Paternity, whether or not there has been a court order declaring him to be the father.

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(g) People living together without being legally married may not apply to have the same last name. However, couples in a common-law relationship can, and usually do, assume the same last name, and this is acceptable as long as it is not for fraudulent purposes.

A copy of The Change of Name Act can be purchased from:

Publications and Statutes Branch
11510 Kingsway Avenue
Edmonton, Alberta
T5G OX5

Telephone: 427-4952

CHANGING YOUR NAME UNDER THE CHANGE OF NAME ACT

Advantages

1. All your documents at the Division of Vital Statistics can be changed, as well as other records.

2. The Act was designed to assist people to change their birth name, but is not needed when women wish to discontinue using their husband's surname.

Disadvantages

1. Spouses cannot have different surnames (except where the wife retains her maiden name). It is, however, true that an application can be made without consent of the spouse if it can't be obtained, and the Court of Queen's Bench may authorize the application without it. Since the Act doesn't provide a definition for "unable to obtain consent", the Court may use its discretion to accept the application in any given set of circumstances.

2. People living in a common-law relationship cannot acquire the same surname for use on legal documents (refer to (g), page 3).

3. It costs money:

   i) $15.00 to publish the change of name in the Alberta Gazette

   ii) $25.00 application fee for change of surname

   iii) $10.00 application fee for change of given name

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For more information regarding changing your name under The Change of Name Act write:

Director
Division of Vital Statistics
4th Floor
10405 - 100 Avenue
Edmonton, Alberta
T5J OA6

Telephone: 427-5857

CHILDREN'S NAMES

Legal Marriage

The children of a legal marriage must take either the father's name or a hyphenation of the mother's and father's name.

e.g. child's name can be Baby Father or
Baby Father-Mother or Baby Mother-Father

Unmarried Mother

If a father agrees, and acknowledges paternity in writing, and the mother consents, the child can be registered as Baby Father, or with a hyphenated combination. Otherwise, the child is registered with the mother's last name.

The law on naming babies is contained in The Vital Statistics Act of Alberta.